

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
NORTHERN DIVISION

REGINALD A. OWENS, 227301,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:05-cv-0287-MEF
)	
JAMES DELOACH, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On June 26, 2007, the Magistrate Judge filed a Recommendation (Doc. #18) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is adopted.
2. The plaintiff's request for criminal prosecution of the defendants is DISMISSED pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i).
3. The motion for summary judgment filed on behalf of defendant James DeLoach is GRANTED and the claims lodged against this defendant are DISMISSED with prejudice.
4. Defendant DeLoach is DISMISSED as a party to this cause of action.
5. The motion for summary judgment as to the claims against defendants Miller, Philyaw, Rudolph, Shuford and Sanders in their official capacities is GRANTED and such claims are DISMISSED with prejudice.

6. The motion for summary judgment with respect to the plaintiff's excessive force claims against defendants Miller, Philyaw, Rudolph, Shuford and Sanders in their individual capacities is DENIED.

7. The plaintiff's excessive force claims against defendants Miller, Philyaw, Rudolph, Shuford and Sanders in their individual capacities will be set for an evidentiary hearing.

DONE this the 17th day of July, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE